



## UNITED STATES PATENT AND TRADEMARK OFFICE

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10/664,381	09/16/2003	Stephen W. Smith	53470P020D	4549
7590 08/12/2004			EXAMINER	
Lester J. Vincent			KOBERT, RUSSELL MARC	
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP			ART UNIT	PAPER NUMBER
Seventh Floor				7711 211 110 110 211
12400 Wilshire Boulevard			2829	
Los Angeles, CA 90025-1026		DATE MAILED: 08/12/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Ethinosino in on many be arrising the interview of 30°CF1 138(b). In no event, however, may a reply be timely filled  Ethinosino in or give, specified above is less than thirty (30) days, a reply veinit in be statutory minimum of thirty (30) days, a reply veinit in the statutory minimum of thirty (30) days, a reply veinit in the statutory minimum of thirty (30) days, a reply veinit in the statutory minimum of thirty (30) days, a reply veinit in the statutory minimum of thirty (30) days, a reply veinit in the statutory minimum of thirty (30) days, a reply veinit in the statutory minimum of thirty (30) days, a reply veinit in the statutory minimum of thirty (30) days will be considered timely.  If the period for reply specified above is less than thirty (30) days, a reply veinit in the statutory minimum of thirty (30) days will be considered timely.  If the period for reply specified above is less than thirty (30) days, a reply veinit in the statutory minimum of thirty (30) days will be considered timely.  If the period for reply specified above is less than thirty (30) days, a reply veinit the statutory minimum of thirty (30) days will be considered timely.  Application is FINAL.  2b) This action is final.  2b) Size this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 12-28 is/are pending in the application.  4) Of the above claim(s) is is/are withdrawn from consideration.  5) Claim(s) 13-22 are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Application provide the provided application and/or el	,	Application No.	Applicant(s)			
Russell M Kobert  Russell M Russell M Russell  Russell M Russell  Russell M Russell  Russell M Russell M Russell		10/664,381	SMITH ET AL.			
- The MALING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Estanciano of term any to available under the provisions of 3/CR1.136(a). In or event, however, may a reply be finely filled by the standard of the provision of 3/CR1.136(a). In or event, however, may a reply be finely filled by the standard of the provision of 3/CR1.136(a). In or event, however, may a reply be finely filled in the standard of the provision of the provision of the provision of the standard of the provision of the standard of the provision of the provision of the standard of the provision of the above claim(s)	Office Action Summary	Examiner	Art Unit			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Learner of the Communication of the provision of 37 PGR 1.136(s). In no event, however, may a reply be timely filled before the provision of 37 PGR 1.136(s). In no event, however, may a reply be timely filled before the provision of 17 PGR 1.136(s). In no event, however, may a reply be timely filled before the provision of 17 PGR 1.136(s). In no event, however, may a reply be timely filled before the provision of the provision of 18 PGR 1.136(s). In the event, however, may a reply be timely filled.  If NO period for reply is periodical above, he maximum statistics period viril apply and voil repire 530 (6) MONTES from the reading date of this communication. Any reply received by the Office test than these montals early the maximum statistics period viril apply and voil respire 530. (6) MONTES from the reading date of this communication, even if timely filled, may reduce any secured patient term adjustment. See 37 CFR 1.704(s).  Status  1) Responsive to communication(s) filled on £6 September 2003.  2a) This action is FINAL.  2b) This action is FINAL.  2b) This action is FINAL.  2c) This action is filled by the practice under Ex parte Queyle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 12-28 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  5 Claim(s) 12-28 are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filled on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  10) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3) Acknowledgmen						
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CPR 1.36(a). In no event, however, may a reply be timely filled after 5X (6) MOXTHS from the mailing date of hits communication.  If the period rower period from the part of the communication of the period of the period of the communication of the period of the	The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address			
1)   Responsive to communication(s) filed on 16 September 2003.   2a  This action is FINAL.   2b  This action is non-final.   3   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.    Disposition of Claims   4  Claim(s) 12-28 is/are pending in the application.   4a) Of the above claim(s) is/are withdrawn from consideration.   5  Claim(s) is/are allowed.   6  Claim(s) is/are ellowed.   6  Claim(s) is/are objected to.   8  Claim(s) 12-28 are subject to restriction and/or election requirement.   Application Papers   9  The specification is objected to by the Examiner.   10  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).   11  The oath or declaration is objected to by the Examiner.   Note the attached Office Action or form PTO-152.   Priority under 35 U.S.C. § 119    12  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).   a) All b) Certified copies of the priority documents have been received.   2 Certified copies of the priority documents have been received in Application No application from the International Bureau (PCT Rule 17.2(a)).   *See the attached detailed Office action for a list of the certified copies not received.   All	<ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w</li> <li>Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing</li> </ul>	within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	nely filed s will be considered timely. the mailing date of this communication. O (35 U.S.C. § 133).			
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1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date  4) Interview Summary (PTO-413) Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152) 6) Other:	<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ul>					
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Art Unit: 2829

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

A cooling mechanism for a testing device comprising one of the species of:

- (a) micromachined cooling channel(s); (see page 13, line 6-7)
- (b) etched cooling channel(s); (see page 13, line 8-9)
- (c) drilled cooling channel(s); (see page13, line 9-10)
- (d) cooling channel(s) derived during the casting of the circuit board; (see page 9, line 6)
- (e) a heat sink coupled to the Pin Electronics Card; (see page 13, line 11-13)
- (f) a heat sink located at the base of the Plug in Board (410); (see page 13, line 13-14)
- (g) a heat sink integral with the coupling mechanism; (see page 13, line 14-16)
- (h) a cooling manifold coupled to the control card; (see page 15, line 16-17)
- (i) a cooling manifold in contact with some of the Pin Electronics ICs; (see page 15, line 17-19)
- (j) heat sinks coupled to integrated circuits of the control card wherein the heat sinks are further coupled to a cooling manifold; (see page 15, line 19-20)

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim *appears* to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. Upon the election of species noted supra, further election of subspecies (wherein species is understood to mean subspecies) is required as follows:

This application contains claims directed to the following patentably distinct species of the claimed invention:

Art Unit: 2829

(a) The species to which water is used as a cooling means; (page 7, line 18-19)

- (b) The species to which R134 gas is used as a cooling means; (page 7, line 18-19)
- (c) The species to which HCFC is used as a cooling means; (page 12, line 24)
- (d) The species to which Xenon is used as a cooling means; (page 12, line 24)
  - (e) The species to which no liquid or gas is used

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim *appears* to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Art Unit: 2829

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

3. Upon the election of species noted supra, further election of sub<sup>2</sup>-species (wherein species is understood to mean sub<sup>2</sup>-species) is required as follows:

This application contains claims directed to the following patentably distinct species of the claimed invention:

A computer system for a testing device comprising one of the species of:

- (a) a Timing Generator; (page 8, line 9)
- (b) a Logic Circuit; (page 8, line 16-19)
- (c) control circuits (page 14, line 18-20)
- (d) the combination of a Timing Generator and a Logic Circuit noted supra;
- (e) the combination of a Logic Circuit and control circuit(s) noted supra;
- (f) the combination of a Timing Generator, Logic Circuit and control circuit(s) noted supra;
- (g) the absence of a Timing Generator, Logic Circuit and control circuit(s) noted supra;

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim *appears* to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

4. Upon the election of sub-species noted supra, further election of sub<sup>3</sup>-species (wherein species is understood to mean sub<sup>3</sup>-species) is required as follows:

This application contains claims directed to the following patentably distinct species of the claimed invention:

A Test Head for a testing device comprising one of the species of:

- (a) a Timing Generator; (page 8, line 9)
- (b) a Logic Circuit; (page 8, line 16-19)
- (c) control circuits (page 14, line 18-20)
- (d) the combination of a Timing Generator and a Logic Circuit noted supra;
- (e) the combination of a Logic Circuit and control circuit(s) noted supra;
- (f) the combination of a Timing Generator, Logic Circuit and control circuit(s) noted supra;
- (g) the absence of a Timing Generator, Logic Circuit and control circuit(s) noted supra;

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim *appears* to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include

all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

5. Upon the election of sub-species noted supra, further election of sub<sup>4</sup>-species (wherein species is understood to mean sub<sup>4</sup>-species) is required as follows:

This application contains claims directed to the following patentably distinct species of the claimed invention:

- (a) The species to which the integrated circuit cards are designed such that the portion containing the pins fit within the wedge shaped cut-outs; (page 9, line 17-19)
- (b) The species to which the top of the body includes a plurality of holes sized to fit the pins; (page 9, line 19-20)

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim *appears* to be generic.

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Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

6. Upon the election of sub-species noted supra, further election of sub<sup>5</sup>-species (wherein species is understood to mean sub<sup>5</sup>-species) is required as follows:

This application contains claims directed to the following patentably distinct species of the claimed invention:

(a) The species of Figure 7;

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(b) The species of Figure 8;

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim *appears* to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

7. Upon the election of sub-species noted supra, further election of sub<sup>6</sup>-species (wherein species is understood to mean sub<sup>6</sup>-species) is required as follows:

This application contains claims directed to the following patentably distinct species of the claimed invention (see page 19, line 1-9):

- (a) The species to which the switches comprise a cantilever controlled by electromagnetic attraction and repulsion;
- (b) The species to which the switches comprise Rhodium contacts and Ferrite electromagnetics;
  - (c) The species to which the switches comprise micromachined parts;
  - (d) The species to which the switches comprise electrostatic relays;

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim *appears* to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

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are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

8. Upon the election of sub-species noted supra, further election of sub<sup>7</sup>-species (wherein species is understood to mean sub<sup>7</sup>-species) is required as follows:

This application contains claims directed to the following patentably distinct species of the claimed invention:

- (a) The species of Figure 10A;
- (b) The species of Figure 10B;
- (c) The species of Figure 10C;
- (d) The species of Figure 10D;

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim *appears* to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims

readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- A telephone call was made to the Office of the Attorney of Record on July 27,
   2004 to request an oral election to the above restriction requirement, but did not result in an election being made.
- 10. A shortened statutory period for response to this action is set to expire one month(s) from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell Kobert whose telephone number is (571) 272-1963. The Examiner's Supervisor, Kammie Cuneo, can be reached at (571) 272-1957. For an automated menu of Tech Center 2800 phone numbers call (571) 272-2800.

Russell M. Kobert Patent Examiner

Group Art Unit 2829

July 27, 2004

DAVID ZARNEKE PRIMARY EXAMINER